IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLICATION NO.298 OF 2003
IN
CIVIL APPLICATION NO.212 OF 2001
IN
LETTERS PATENT APPEAL NO.181 OF 2001
IN
WRIT PETITION NO.3512 OF 1997

Southern Petrochemical Industries
Corporation Ltd. .. Applicant

v/s.

Shri C.Prabhakaran .. Respondent

Mr.B.Parmar for the applicant.

Mr.P.K.Rele, senior counsel i/by Mr.Piyush Shah for
the respondent.

CORAM : R.M. LODHA AND
R.S. MOHITE, JJ.

DATED : 15th April, 2005

P.C.

Heard Mr.B.Parmar, the learned counsel for the applicant (original respondent in the Letters Patent Appeal) and Mr.P.K.Rele, the learned senior counsel for the respondent (appellant in the Letters Patent Appeal).

2. It is not that the appellant-employer surreptitiously got the papers of Letters Patent Appeal No.181 of 2001 produced before the Bench presided over by Hon'ble the Chief Justice. From Exhibit "G" annexed to the civil application, it is clear that the matter was to come up before the Bench presided over by Hon'ble the Chief Justice on 21.4.2003 and when the matter was not listed on

board on that day, the advocate for the present respondent-employee was informed that an application shall be made before the Bench presided over by the Hon'ble the Chief Justice at 11 a.m. for having the matter placed on board at 2.45 p.m. Accordingly, on behalf of the appellant-employer the prayer was made before the Bench presided over by the Hon'ble the Chief Justice at 11 a.m. on 21.4.2003 for production of papers at 2.45 p.m. The matter was fixed at 2.45 p.m. on that day. The advocate for the respondent-employee was informed that the matter would come up before the Bench presided over by the Hon'ble the Chief Justice at 2.45 p.m. Despite that when the advocate for the respondent-employee did not appear before the Bench, he did so at his own risk.

3. Civil application, therefore, does not deserve to be granted. Dismissed accordingly, However, hearing of the Letters Patent Appeal is expedited.

(R.M. LODHA, J.)

(R.S. MOHITE, J.)